

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Edward Louis Durbin)
(full name) (Register No.))

19-3003-CV-S-BP-P
Case No. _____

Plaintiff(s).

v. unknown Food Service provider
Texas County Jail
Scott Lyons - Former Texas County Jail
Administrator
Randy Douglas - Former appointed
(Full name) Texas County Sheriff
Tim Garnica - Texas County Jail admin.
Scott Lindsay - Texas County Sheriff
Defendant(s).
Scott Lyons - Texas County Presiding
County Commissioner

Defendants are sued in their (check one):

____ Individual Capacity
☒ Official Capacity
____ Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Texas County Jail
519 N. Grand Avenue, Houston MO 65483

II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Edward L. Durbin Register No. _____
Address 519 N. Grand Ave Houston, MO 65483

B. Defendant Unknown Name Food Service Provider
Texas County Jail - 519 N. Grand Avenue Houston MO 65483
Is employed as Chief Food provider for Texas County Jail

For additional plaintiffs or defendants, provide above information in same format on a separate page.

See attached page

II Complaint under the Civil Rights
act of 42 U.S.C. § 1983

Section B.

Defendants:

Scott Lyons - Former Texas County Jail
Administrator - 519 N. Grand Avenue, Houston
MO 65483

Rowdy Douglas - Former Appointed Texas County
Sheriff - 519 N. Grand Avenue, Houston
MO 65483

Unknown Named Former Texas County Presiding
County Commissioner - 519 N. Grand Avenue,
Houston MO. 65483

Tim Gaurica - Texas County Jail Administrator
519 N. Grand Ave, Houston MO 65483

Scott Lindsey - Texas County Sheriff - 519
N. Grand Ave, Houston MO 65483

Scott Long - Texas County Presiding
County Commissioner - 519 N. Grand Avenue
Houston MO 65483

- III. Do your claims involve medical treatment? Yes ☒ No ☐
- IV. Do you request a jury trial? Yes ☒ No ☐
- V. Do you request money damages? Yes ☒ No ☐
State the amount claimed? as determined by Jury
\$ _____ (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes ☒ No ☐

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

See attached Page

D. If you have not filed a grievance, state the reasons.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes ☐ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: _____
(Plaintiff) (Defendant)

(2) Date filed: _____

VII Grievance Procedure

Section C:

The first grievance filed on September 14, 2018, gave to Jail employee, filed over 7 additional grievance forms up until December 24, 2018, all given to Jail employees, received a response to only 1 [see attached form] was told "This is Jail" no adequate change has occurred to address concerns.

- (3) Court where filed: _____
- (4) Case Number and citation: _____
- (5) Basic claim made: _____
- (6) Date of disposition: _____
- (7) Disposition: _____
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: _____
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.
1. UNKNOWN NAMED FOOD SERVICE PROVIDER TEXAS COUNTY JAIL
OCTOBER 8, 2018 - SERVED UNCOOKED, RAW BEANS. EATING BEANS
BOUGHT ON SERIOUS STOMACH PAINS, DIARRHEA, LOSS OF WEIGHT
UNNECESSARY EXPOSURE TO FOOD BORNE ILLNESSES.
2. OCTOBER 14, 2018 TEXAS COUNTY JAIL SERVED RAW, UNCOOKED PEAS
EATING PEAS BOUGHT ON ADDITIONAL SERIOUS STOMACH PAINS,
ADDITIONAL LOSS OF WEIGHT, UNNECESSARY EXPOSURE TO FOOD
BORNE ILLNESSES
- SEE ATTACHED PAGES

- B. State briefly your legal theory or cite appropriate authority:

SEE ATTACHED PAGE

IX Statement of Claim - Continued
Section A.

3. October 22, 2018 - Texas County Jail - Served Spoiled Mandarin Oranges - Causing Serious Stomach Pains - Weight Loss, unnecessary Exposure to Food Borne Illnesses
4. December 6, 2018 - Texas County Jail - Served Spoiled/Expired milk - Consuming milk Caused Serious Stomach Pains, weight loss unnecessary Exposure to Food Borne Illnesses
5. August 20, 2018 thru November 6, 2018 - Texas County Jail - Failed to provide adequate levels of nutrition/calories to ensure minimum level of health. Causing Serious Weight Loss [list loss], which in my already weakened condition brought about dizzy spells, uncontrollable tremors. Serious damage to overall health.

Scott Lyons - Former Texas County Jail Administrator

1. August 20, 2018 - Texas County Jail - After being notified on August 20, 2018 [date of arrest] that I had a P.E.T. Scan on August 22, 2018 did nothing to ensure my being able

page-2.

1. cont: to make my appointment. I know nothing about the Stage or any further treatment of my Throat Cancer, Causing Serious Irreversible health damage
2. August 20, 2018 thru November 6, 2018 - Texas County Jail Did not Provide adequate level of Nutrition/Calories to Ensure a minimum level of health. Causing Serious Weight Loss [15+ lbs] which in my already weakened condition caused dizzy spells, uncontrollable tremors, Serious health problems. Cruel and unusual punishment.
3. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide any Nutrition from Dinner [4:30pm - 5pm] to breakfast [7:30am - 8am] 15+ hrs between meals, causing unnecessary pain and suffering, Cruel and Unusual punishment.
4. August 20, 2018 thru November 6, 2018 - Texas County Jail - Failed to correct known food handling issues, thereby exposing inmate to Serious Risks of Food Borne Illnesses in a already weakened condition.

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Scott Lyons Continued IX Statement of Claim

Section A.

5. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide Material Safety Data Sheets on cleaning ^{chemicals} after verbal and written requests. Not allowing inmate to be aware of known risks and health hazards. Inmate was exposed during required cleaning of cell, common area, shower, causing unnecessary exposure to known health hazards.
6. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide Personal Protective Equipment [gloves] to inmate required to clean cell, common area, shower causing unnecessary exposure to known chemical hazards, unnecessary risk to health.
7. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide access to legal material / law library preventing inmate from participating in own defense.

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Page 4.

Section A.

Rowdy Douglas - Former Appointed Texas County Sheriff;

1. August 20, 2018 - Texas County Jail - After being notified on August 20, 2018 [date of arrest] that I had a P.E.T. seen on August 22, 2018 I did nothing to ensure my being able to make my appointment. I know nothing about the stage or any further treatment of my Throat Cancer, causing serious (irreversible) health damage.

2. August 20, 2018 thru November 6, 2018; Texas County Jail - Did not provide adequate level of Nutrition/Calories to ensure a minimum level of health. Causing serious weight loss [15+ lbs] which in my already weakened condition caused dizzy spells, uncontrollable tremors, serious health problems. Cruel and unusual punishment

3. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide any nutrition from Dinner [4:30pm - 5pm] to breakfast [7:30am - 8am] 15+ hrs. between meals.

Page 5. IX Statement of Claim Continued
Section A.

3. Cont: Causing unnecessary pain and suffering,
Cruel and unusual punishment

4. August 20, 2018 thru November 6, 2018 - Texas
County Jail - failed to correct food handling
issues, thereby exposing inmate to
serious risks of food borne illnesses
in a already weakened condition

5. August 20, 2018 thru November 6, 2018 - Texas
County Jail - failed to provide Material
Safety Data Sheets on cleaning chemicals
after verbal and written requests, Not
allowing inmate to be aware of known
risks and health hazards. Inmate was
Exposed during required cleaning of
Cell, Common Area, Shower. Causing unnecessary
Exposure to known health hazards

6. August 20, 2018 thru November 6, 2018 - Texas County
Jail - failed to provide Personal Protective
Equipment [Gloves] to Inmate Required to
Clean Cell, Common Area, Shower. Causing
unnecessary Exposure to known Chemical
hazards, Unnecessary Risk to health

Rowdy Douglas

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IX Statement of Claim Continued Section A.

7. August 20, 2018 thru November 6, 2018 - Texas County Jail - Failed to provide access to Legal Materials / Law Library preventing Inmate from participating in own ~~Own~~ Defense.

Unknown Named Former Texas County Presiding County Commissioner

1. August 20, 2018 - Texas County Jail - After being notified on August 20, 2018 [date of arrest] that I had a P.E.T. Scan on August 22, 2018 did nothing to ensure my being able to make my appointment. I know nothing about the stage or any further treatment of my Throat Cancer, causing serious irreversible health damage.

2. August 20, 2018 thru November 6, 2018 - Texas County Jail - Did not provide adequate level of Nutrition / Calories to ensure a minimum level of health, causing serious weight loss [15+ lbs] which in my already weakened condition caused dizzy spells, uncontrollable tremors, serious health problems. Cruel and unusual punishment
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3. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide any nutrition from Dinner [4:30pm - 5pm] to Breakfast [7:30am - 8am] 15+ hrs between meals, causing unnecessary pain and suffering, cruel and unusual punishment.
4. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to correct food handling issues, thereby exposing inmate to serious risks of food borne illnesses in a already weakened condition.
5. August 20, 2018 thru November 6, 2018 - Texas County Jail - failed to provide Material Safety Data Sheets on Cleaning Chemicals after verbal and written requests. Not allowing inmate to be aware of known risks and health hazards. Inmate was exposed during required cleaning of cell, common area, shower, causing unnecessary exposure to known health hazards.

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Page 8. Unknown Named Farmer Texas
County. Prefiding Commissioner
Section A. IX Statement of Claim

6. August 20, 2018 thro November 6, 2018 - Texas
County Jail - failed to provide Personal
Protective Equipment [gloves] to inmate
required to clean cell, common areas, Shower.
Causing unnecessary Exposure to known
chemical hazards, unnecessary Risk to
health

7. August 20, 2018 thro November 6, 2018 - Texas
County Jail - failed to provide access
to legal material / Law Library preventing
inmate from participating in own
defense.

Tim Garnica - Texas County Jail Administrator

1. ~~Aug~~ November 7, 2018 to Present - Texas County
Jail - failed to provide adequate level
of Nutrition/calories to ensure minimum
level of health. Causing Serious weight
loss, which in already weakened condition
continued dizzy spells, uncontrollable tremors
Serious damage to overall health.

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Tim Garnica - Texas County Admin.
IX Statement of Claim
Section A.

2. November 7, 2018 to Present - Texas County Jail - failed to provide ^{adequate} ~~any~~ nutrition from Dinner [5pm-6pm] and Breakfast [9am-9:30am] 15⁺ hrs between meals, causing unnecessary pain and suffering, cruel and unusual punishment.
3. November 7, 2018 to Present Texas County Jail failed to provide Material Safety Data Sheets on cleaning chemicals after verbal and written requests, Not allowing Inmate to be aware of known risks and health hazards, Inmate was exposed during required cleaning of Cell, Common Area, Showers. Causing unnecessary exposure to known health hazards
4. November 7, 2018 to Present - Texas County Jail failed to provide Personal Protective Equipment [gloves] to inmate required to clean Cell, Common area, Shower. Causing unnecessary exposure to known chemical hazards, unnecessary risk to health.

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Page 10 Tim Garnica Continued
IX Statement of Claim
Section A.

5. November 7, 2018 to Present - Texas County Jail - failed to provide access to legal material/Law Library preventing Inmate from participating in own Defense.

Scott Lindsay - Texas County Sheriff

1. November 7, 2018 to Present - Texas County Jail failed to provide adequate level of nutrition/calories to ENSURE minimum level of health. Causing serious weight loss, which in already weakened condition continued dizzy spells, uncontrollable tremors, serious damage to health.

2. November 7, 2018 to Present - Texas County Jail failed to provide ^{adequate} nutrition from Dinner [5pm - 6pm] and breakfast [9am - 9:30am] 15+ hrs between meals, causing unnecessary pain and suffering, cruel and unusual punishment.

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Scott Lindsay - Texas County Sheriff
Continued

IX Statement of Claim
Section A.

3. November 7, 2018 to Present - Texas County Jail - failed to provide Material Safety Data Sheets on Cleaning Chemicals after verbal and written requests, not allowing inmate to be aware of known risks and health hazards. Inmate was exposed during required cleaning of cell, common area, shower. Causing unnecessary exposure to known health hazards.
4. November 7, 2018 to Present - Texas County Jail - failed to provide Personal Protective Equipment [gloves] to inmate required to clean cell, common area, shower. Causing unnecessary exposure to known chemical hazards, unnecessary risk to health.

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Scott Lindsay Texas County Sheriff
Continued

IX Statement of Claim
Section A.

5. November 7, 2018 to Present - Texas County Jail - failed to provide access to legal material/Law Library preventing Inmate from participating in own defense

Scott Long - Texas County Presiding Commissioner

1. November 7, 2018 to Present - Texas County Jail - failed to provide adequate level of nutrition/calories to ensure minimum level of health. Causing serious weight loss, which in already weakened condition continued dizzy spells, uncontrollable tremors, serious damage to health.

2. November 7, 2018 to Present - Texas County Jail failed to provide ^{adequate} ~~any~~ nutrition from Dinner [5pm-6pm] and breakfast [9am-9:30am] 15+ hrs between meals, causing unnecessary pain and suffering, cruel and unusual punishment

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Scott Long - Texas County Presiding
Commissioner

Section A.

IX Statement of Claim

3. November 7, 2018 to Present - Texas County Jail failed to provide Material Safety Data Sheets on Cleaning Chemicals after Verbal and Written Requests. Not allowing Inmate to be aware of Known Risks and Health Hazards. Inmate was Exposed during Required Cleaning of Cell, Common Area, Shower. Causing unnecessary Exposure to Known Health Hazards.
4. November 7, 2018 to Present - Texas County Jail failed to Provide Personal Protective Equipment [gloves] to Inmate required to Clean Cell, Common Area, Shower. Causing unnecessary Exposure to Known Chemical Hazards. Unnecessary Risk to health.
5. November 7, 2018 to Present - Texas County Jail failed to provide access to Legal Material/ Law Library preventing Inmate from participating in own defense.

Section B IX Statement of Claim

I am Claiming protection under the 14th Amendment of the United States Constitution

Being fed Raw, uncooked food, Spoiled food and Expired / spoiled milk are clear examples of violations of the 14th Amendment of the United States Constitution and examples of Cruel and Unusual Punishment.

Inadequate nutrition/calories, 15⁺ hrs between meals are also clear examples of violations of the 14th Amendment of the United States Constitution and examples of Cruel and Unusual punishment.

With holding my right to be informed of chemical hazards and being provided simple protection [gloves] are also examples of violations of not only Federal Regulations but also the 14th Amendment of the United States Constitution. And examples of Cruel and Unusual punishment.

Violations of the Safe Foods Act - Hair in food, Non-organic materials in food that Jail employees documented Both with photos and written

Stagnant water left on trays that were being served with food to inmate are also clear violations of Federal Regulations and the 14th Amendment of the United States Constitution, and examples of Cruel and Unusual punishment.

Lastly the withholding of legal material/Law Library is a violation of due process. I cannot have a fair hearing if I am at the mercy of an already seriously underfunded, overworked, under staffed Public Defenders office. I have the right to assist with my defense.

In closing all of the preceding examples are clearly violations of the 14th Amendment of the United States Constitution and the Missouri State Constitution Article I § 10 and Article I § 21.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
I would like the Court to Severely Repremand
all parties involved and restore my Civil
Rights that have been infringed

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. _____

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☒ No ☐

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.
I am currently in Texas County Jail and am being
denied any access to any means of researching or
contacting any legal help that might be of
assistance

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ☐ No ☐

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 26th day of December 2018


Signature(s) of Plaintiff(s)

Edward L. Dunabin

Edward L. Dunbar
Texas County Jail
519 N. Grand Ave
Houston MO 65483

Legal Mail

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